IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20855 of 2004

Between:

1 Mudunuri Venkata Satyanarayana, S/o. Venkata Rama Raju,
Chilkuru Village, Undi Mandal, West Godavari District.
2 Vegesena Venkata Satyanarayana Raju, S/o. Gopala Raju,
Chilkuru Village, Undi Mandal, West Godavari District.

..... PETITIONERS

AND

1 The District Collector, Eluru, W.G.District.
2 The Revenue Divisional Officer, Narasapuram, W."G.District.
3 The Mandal REvenue Officer, Undi Mandal, West Godavari District.
4 The Executive Officer, Grampanchayat, Chilkuru Village, Undi Mandal,
West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue order or orders, direction or directions, writ or writs, particularly one in the nature of Writ of Mandamus and declare the action of the respondents in proposing to lay a road across private bund belongs to the petitioners situated in R.S.No.146/2, 148/7, 148/8, 148/1 & 208/3 in Chilukuru Village of Undi Mandal, West Godavari District, is illegal, arbitrary, violative of Article 300 (a) of the Constitution of India and against the Provisions of land Acquisition Act and consequently direct the respondents not to lay a road through petitioners above lands.

Counsel for the Petitioners:MR.G.BUCHAIAH GOUD

Counsel for the Respondents 1 to 3: ASSISTANT GP FOR REVENUE

Counsel for the Respondent No.4:MR. DANTU SRINIVAS SC FOR GRAM PANCHAYAT

The Court, at the stage of admission, made the following :

ORDER

Heard the learned Counsel for the petitioners, learned Assistant government Pleader for respondents 1 to 3 and learned Standing Counsel for respondent No.4. With their consent the writ petition is taken up for disposal at the stage of admission itself.

Petitioners claim to be the owners of land to an extent of Ac.17.00 in R.S.No.146/2, 148/7, 148/8, 148/1 & 208/3 of Chilukuru village of West Godavari District, and across the bund, they planted coconut trees. It is alleged that the respondents 3 and 4 are trying to lay a road across the bund and in the process, they have cut down five yielding coconut trees on 28.9.2004, without issuing any notice. It is stated that the petitioners made a representation to the District Collector-first respondent herein on 29.9.2004 complaining the highhanded action of the respondents 3 and 4. This writ petition is filed complaining that in spite of representation to the first respondent, the respondents 3 and 4 are trying to evict the petitioners from the land in question without issuing any acquisition proceedings.

In view of the law declared by this Court even if a land, encroached by a person is required, the authorities have to follow the due procedure for his eviction by issuing due notices. In view of the same, without following the due procedure, the respondents shall not dispossess the petitioners from the land in their possession.

The writ petition, with the above observations, shall stand disposed of. No costs.

A. GOPAL REDDY. J.

11th November, 2004

tsr.

To

1 The District Collector, Eluru, W.G.District.
2 The Revenue Divisional Officer, Narasapuram, W."G.District.
3 The Mandal REvenue Officer, Undi Mandal, West Godavari District.
4 The Executive Officer, Grampanchayat, Chilkuru Village, Undi Mandal, West Godavari District.

5. Two C.C.s to Government Pleader for Revenue, High Court Buildings, Hyderabad.(OUT)

6. Two C.D. copies.